

Marion 2012

- (1) Work product. Disclosure hereunder shall not be required of legal research or records, correspondence, reports or memoranda to the extent that they contain the opinions, theories, or conclusions of the State or members of its legal or investigative staffs, or of defense counsel or his/her staff.
- (2) Informants. Disclosure of an informant's identity shall not be required where there is a paramount interest in non-disclosure and a failure to disclose will not infringe the Constitutional rights of the accused. Disclosure shall not be denied hereunder of the identity of witnesses to be produced at a hearing or trial.
 - (b) Either side may apply for a protective order for non-disclosure of requested discovery.

5. DEPOSITIONS

Any sworn tape-recorded interview in which the prosecutor, the defense attorney and the witnesses are present shall be considered a deposition under the Indiana Trial Rules. Deputy prosecutors and public defenders shall cooperate in using such recorded statements instead of formal depositions under any circumstance that will expedite case preparation.

LR49-CR00-108⁷ BAIL

- I. **SCOPE:** This Provisional Bail Schedule shall apply to all defendants arrested outright in Marion County. This schedule shall not apply to those cases where a judicial officer already has issued a warrant with a predetermined bail.
- II. **GENERAL PROVISIONS**
 - A. Bail amounts set pursuant to this schedule shall be based upon the lead charge brought against the defendant. No bail amount set pursuant to this schedule shall exceed \$200,000. The bail clerk does not have discretion to alter provisional bail amounts. Bail amounts set pursuant to this schedule shall not be altered until such time as the assigned trial judge has the opportunity to conduct further review.
 - B. Arrestee Processing Center commissioners are responsible for reviewing the bail set by the bail clerk and may correct that amount pursuant to the schedule if a commissioner becomes aware of relevant information not considered when bail was first set. Arrestee Processing Center commissioners also may impose appropriate pre-trial release conditions.

⁷ LR49-CR00-108 Bail Modified and Adopted by Criminal Term March of 2010

III. MAJOR FELONY BAIL AMOUNTS:

A. General

Murder	No Bail
Class A Felony	\$50,000 Surety
Class B Felony	\$20,000 Surety
Class C Felony	\$7,500 Surety

B. Enhancements:

The bail schedule amounts shall double for each of the following circumstances applying to the defendant:

1. The defendant is not a Marion County resident,
2. The crime alleged involves a deadly weapon or serious bodily injury,
3. The defendant has two or more alleged victims,
4. The defendant has two or more prior felony convictions,
5. The defendant has two or more failures to appear,
6. The defendant has ten or more prior arrests (not including public intoxication arrests). This category shall double for each additional 10 arrests a defendant has.
7. The defendant has been arrested for an offense while on probation, parole, bond or released on the person's own recognizance for another offense.

IV. CLASS D FELONY BAIL AMOUNTS:

A. General:

Class D Felony - Own Recognizance (OR) up to \$2,500 Surety, \$2,500 10% PR, or \$250 Cash Bond.

The bail clerk shall set bail for a Class D felony at \$2,500 Surety. Arrestee Processing Center commissioners shall have the discretion to modify the bail within the range provided if deemed appropriate.

B. Enhancements.

The bail schedule amounts shall double, up to a maximum of \$5,000, for each of the following circumstances:

1. The defendant is not a Marion County resident,
2. The defendant has one or more failures to appear,
3. The defendant has one or more prior felony convictions,
4. The defendant is charged with one of the following Class D felonies:
 - Battery (I.C. § 35-42-2-1)
 - Criminal Confinement (I.C. § 35-42-3-3)
 - Criminal Gang Activity (I.C. § 35-45-9-3)

- Criminal Recklessness (I.C. § 35-42-2-2 – all sections)
- Escape (I.C. § 35-44-3-5)
- Intimidation (I.C. § 35-45-2-1)
- Pointing a Firearm (I.C. § 35-47-4-3)
- Residential Entry (I.C. § 35-43-2-1.5)
- Resisting Law Enforcement (I.C. § 35-44-3-3)
- Stalking (I.C. § 35-45-10-5)
- Strangulation (I.C. § 35-42-2-8)

V. MISDEMEANOR BAIL AMOUNTS:

Class A Misdemeanor	Own Recognizance up to \$1,500 10% Cash
Class B Misdemeanor	Own Recognizance
Class B Misdemeanor (Battery)	Own Recognizance up to \$1,500 10% Cash
Class C Misdemeanor	Own Recognizance

The bail clerk shall set bail for Class A misdemeanors and Class B misdemeanor battery cases at \$1,500. If the new offense is a Class B or Class C misdemeanor and the defendant has been arrested for an offense while on probation, parole, bond, or released on the person's own recognizance for another offense, bail shall be set at \$1,500 10% Cash. Arrestee Processing Center commissioners shall have the discretion to modify the bail within the ranges provided if deemed appropriate.

VI. SPECIAL CONSIDERATIONS

A. Domestic Violence Cases

Class C Felony	\$25,000 Surety
Class D Felony	\$10,000 Surety plus \$10,000 10% Cash
Class A Misdemeanor	\$5,000 Surety plus \$5,000 10% Cash

A person charged with a crime of domestic violence as defined in I.C. § 35-41-1-6.3 shall be kept in custody and not released on bail for at least eight (8) hours from the time of arrest pursuant to I.C. § 35-33-1-1.7 and I.C. § 35-33-8-6.5.

If a domestic violence charge is not the lead charge and this schedule would require a higher bail for the domestic violence charge standing alone, the bail clerk should set the bail as if the domestic violence charge were the lead charge.

B. Invasion of Privacy Cases

Class D Felony	\$10,000 Surety plus \$10,000 10% Cash
Class A Misdemeanor	\$5,000 Surety plus \$5,000 10% Cash

If an invasion of privacy charge is not the lead charge and this schedule would require a higher bail for the invasion of privacy charge standing alone, the bail clerk should set the bail as if the invasion of privacy charge were the lead charge.

C. Operating Vehicle While Intoxicated (Misdemeanor) Cases

Bail shall be set at \$1,500 10% Cash with a \$1,000 increase for each prior conviction under I.C. § 9-30-5.

D. Court 13 Cases

A person arrested for or charged with a misdemeanor traffic offense and slated into Court 13 shall be released on the person's own recognizance.

E. Child Molesting, Child Solicitation, and Sexually Violent Predator Cases

No bail will be issued until the trial court has conducted a bail hearing for a person who is charged with Child Molesting (I.C. § 35-42-4-3) or Child Solicitation (I.C. § 35-42-4-6);

No bail will be issued until the trial court has conducted a bail hearing for a person who has been determined to be a sexually violent predator defendant as defined in I.C. § 35-33-8-3.5.

The Arrestee Processing Center commissioner shall set such cases for a bail hearing in the appropriate court no later than 48 hours after the person has been arrested or at the earliest possible setting if exigent circumstances prevent holding the hearing within 48 hours.

VIII REVIEW OF PROVISIONAL BAIL AMOUNT

Except for major felony courts, the trial court to which the defendant's case is assigned shall review the bail set:

- A.** within 5 days of the arrest of any defendant who has not yet made bail as set by the Arrestee Processing Center commissioner or pursuant to the Provisional Bail Schedule; or,
- B.** within 5 days upon receipt of motion of the State or the defendant pursuant to I.C. § 35-33-8-5.